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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,142	03/19/2004	John H. Rosenfeld	H1799-00204	8625
23409 7590 03/18/2008 MICHAEL BEST & FRIEDRICH LLP 100 E WISCONSIN AVENUE Suite 3300 MILWAUKEE, WI 53202				
EXAMINER				
DUONG, THO V				
ART UNIT		PAPER NUMBER		
3744				
MAIL DATE		DELIVERY MODE		
03/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/805,142

Applicant(s)

ROSENFELD ET AL.

Examiner

Tho v. Duong

Art Unit

3744

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/309)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/10/08 has been entered.

Claim Objections

Claim 8 is objected to because of the following informalities: the limitation of “the second later” at line 5 appears to be a typographical error of “the second layer”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claimed subject matter of “a heat conducting capillary wick” renders the scope of the claim indefinite since it is not clear whether applicant claims “a heat conducting capillary wick” is second wick in addition to a vertically capillary wick recited in claim 1 or the wick in claim 2 is the same as wick in claim 1.

Claim 2 is further rejected as can be best understood by the examiner in which wick in claim 1 is a proper antecedent basis of wick in claim 2.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,6,11,12,13 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Basiulis (US 4,503,483). Basiulis discloses (figures 1-10) a capillary assisted loop thermosiphon apparatus comprising at least one evaporator (26) having a pair of sheets (34) connected by a vapor line (portion between 76-82) to a condenser (24); a liquid line (portion between 76-82) connecting the condenser and the evaporator; the evaporator has a height in a direction of gravity significantly greater than a width perpendicular to the height; and is positioned in the direction of gravity from the condenser such that the condenser supplies liquid under gravity; the evaporator (26) has a vertical capillary wick (36) in which liquid wicks in the direction of gravity; a vapor collection cavity (42) extends vertically along the capillary wick (36), the vapor collection cavity being connected to the vapor line (portion between 76-82); a liquid line irrigator extends along a top portion of the capillary wick (36) to dispense liquid to the top portion of the capillary wick, wherein the liquid line irrigator has a series of fluid dispensing openings (60) distributes working fluid along the capillary wick (36); reinforcing rods (40) between the first layer and second layer of wick (36). Regarding claims 11 and 12, Basiulis

discloses (figures 9-10 and column 4, lines 8-55) a first manifold (92) having multiple outlets for thermally connecting the vapor lines and liquid lines (122,124) of multiple evaporators; a second manifold (92) having multiple outlets for thermally connecting the liquid lines and liquid line irrigators (128); and the respective liquid line irrigator distribute liquid to respectively capillary wicks of the multiple evaporators; and the multiple evaporators are interconnected along their bottoms to share a common liquid reservoir.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5,7-10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basiulis in view of Eastman (US 4,274,479). Basiulis substantially discloses all of applicant's claimed invention as discussed above except for the limitation that the wick structure is a sintered porous type wick. Eastman discloses (column 3, lines (42-45) that it is known that sintered porous wick provides very high capillary pressure to assure a good distribution of fluid across the evaporator. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Eastman's teaching in Basiulis's device for a purpose of providing very high capillary pressure to assure a good distribution of fluid across the evaporator.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho v. Duong whose telephone number is 571-272-4793. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tyler J. Cheryl can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tho v Duong/
Primary Examiner, Art Unit 3744